

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:19-cv-00983-LCB-JLW

DOMINIQUE MORRISON, SARA
HAWES, CASSANDRA
CHIARALUCE, and JONATHAN
FONTAINE individually, and on behalf
of all others similarly situated,

Plaintiffs,

v.

AQ TEXTILES LLC and CREATIVE
TEXTILE MILLS PVT. LTD.,

Defendants.

JOINT MOTION TO STAY

Plaintiffs and Defendant AQ Textiles, LLC (“AQ”),¹ by and through counsel and pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6.1, jointly move the Court to extend all pending deadlines set by the Court’s Order (ECF No. 52) approving the Parties’ Joint Rule 26(f) Report (ECF No. 50) by ninety days. In support of this Motion, the Parties respectfully show the Court the following:

1. This action is a putative class action alleging that certain bed sheets sold by AQ were mislabeled as to their thread count and that purchasers were harmed as a result;
2. The bed sheets that are the subject of this action were sold by AQ to a number of different retailers including Macy’s department stores and Macys.com;

¹ This motion is filed on behalf of all active parties to this litigation. Defendant Creative Textile Mills Pvt. Ltd. has been dismissed from this case. (ECF No. 47).

3. There are two actions pending in the United States District Court for the Southern District of Ohio that are related to this action: *Hawes v. Macy's Stores West Inc.*, No. 1:17-CV-754 (S.D. Ohio) and *Chiaraluce v. Macy's Inc.*, No. 2:20-CV-081 (S.D. Ohio), collectively ("Ohio actions"). The *Hawes* action was filed by Sara Hawes, one of the named plaintiffs here. The *Chiaraluce* action was filed by Cassandra Chiaraluce and Jonathan Fontaine, two of the named plaintiffs here. In the Ohio actions, the plaintiffs assert claims against entities that operate Macy's stores arising from the same sheet purchases at issue here.

4. The parties in the Ohio actions have reached agreement on the material terms of a class action settlement, and they plan to submit a motion for preliminary approval in those actions as soon as practicable.

5. If the settlement of the Ohio actions is approved, it would resolve the claims asserted in this action by three of the four named plaintiffs: Sara Hawes, Cassandra Chiaraluce, and Jonathan Fontaine. Further, it would release Defendant AQ for claims related to all sheets sold through Macy's department stores or macys.com.

6. Thus, if the settlement of the Ohio actions is approved, it will substantially alter the size and scope of this instant action including the scope and nature of discovery.

7. In an effort to preserve resources of the Court and the parties, the parties seek to stay the deadlines in this action to allow time for the approval process in the Ohio actions to be resolved.

8. Specifically, the parties request that the Court modify the existing deadlines as follows:

EVENT	CURRENT DEADLINE	REQUESTED DEADLINE
Mediation deadline	1/18/23	4/18/23
Plaintiff expert report and disclosures due	1/20/23	4/20/23
Defendant expert report and disclosures due	3/6/23	6/5/23
Rebuttal reports due	4/7/23	7/6/23
Discovery deadline	4/18/23	7/17/23
Deadline for notice of intent to file dispositive motions	5/2/23	7/1/23
Dispositive motions due	5/18/23	8/16/23
Class certification motion due	5/18/23	8/16/23

9. Should the approval process in the Ohio actions take longer than expected, the parties will inform the Court and, if necessary, seek to further extend the deadlines.

WHEREFORE, Plaintiff and Defendants pray that the Court stay the pending deadlines for ninety days as set forward above.

Respectfully submitted, this the 29th day of November, 2022.

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